

United States District Court
Western District of Washington At Seattle

Tomasz Sielicki

Plaintiff,

vs.

Holland America Line N.V., a Curacao
corporation; HAL Antillen N.V., a Curacao
corporation; HAL Nederland N.V., a
Curacao corporation; and Holland America
Line USA Inc., a Delaware corporation.

Defendants.

No. 2:21-cv-

Complaint For Damages
For Personal Injuries

Jury Demand

Plaintiff, Tomasz Sielicki, for cause of action against Defendants, alleges and states as follows:

PARTIES

1. Plaintiff Tomasz Sielicki is now, and was at all times mentioned in this complaint, a resident of the country of Poland.

2. Defendant Holland America Line N.V., is now, and was at all times material a foreign corporation, and an owner and or operator of the MS Nieuw Statendam.

3. Defendant HAL Antillen N.V., is now, and was at all times material a Curacao corporation and the owner and or operator of the MS Nieuw Statendam.

Complaint For Damages
For Personal Injuries - 1

Case No. 21-cv-

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7. At all times relevant and material to this complaint, one or more of the Defendants were bound by a contract(s) or agreement(s) with other parties, requiring Defendants, either on their own behalf and/or on behalf of other parties, to maintain, operate, and otherwise control the cruise ship in a ways that would be safe for use by passengers and invitees.

8. This court has jurisdiction under 28 U.S.C. §§ 1332 and 1333, 46 U.S.C. § 30302, and or under the general maritime law, and under the contract(s) of carriage under which the claims are brought. Jurisdiction is thus based on the court's admiralty jurisdiction and pursuant 28 U.S.C. § 1332 as there is complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

Complaint For Damages
For Personal Injuries - 2
Case No. 21-cv-

11. All conditions precedent for filing and maintaining this action have been satisfied, have been waived, or do not apply.

12. Plaintiff entered into a contract of carriage with Defendants for the purpose of a cruise aboard the cruise ship MS Nieuw Statendam.

16. While disembarking from the Vessel on February 26, 2020, Plaintiff, while walking down the Vessel's gangway, slipped and fell backwards hitting his head and tearing his right quadriceps. Prior to and during the injury occurring, the Vessel's crew had been washing down the side of the Vessel, causing the entire gangway to be completely wet. Despite this danger, the crew allowed the passengers to use the gangway and failed to post any warning signs.

17. This injury was plainly the result of Defendants' breaching the duty of exercising reasonable care as the crew made the entire gangway wet, yet allowed the passengers to use the gangway and also failed to post any warning signs regarding the gangway being wet.

CAUSE OF ACTION

19. Plaintiff re-alleges the allegations in Paragraphs 1-18 as though set forth fully herein.

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21. Defendants owed Plaintiff a duty to maintain the vessel and its gangway in safe condition and to warn passengers of dangerous conditions.

23. On or about February 26, 2020, Defendants, their agents and or employees breached their duty of care to Plaintiff in one or more of the following ways, but in no way limited to:

- Complaint For Damages
For Personal Injuries - 4
Case No. 21-cv-

- 1 c. Defendants failed to take reasonable steps to correct and or eliminate
2 known existing hazards and dangers presented to the Plaintiff by failing to have
3 a dry gangway and failing to provide any warning to its passengers;
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5 d. Defendants failed to take reasonable steps to warn Plaintiff of known
6 dangers and hazards presented to passengers like Plaintiff;
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8 e. Defendants failed to properly maintain its passenger gangway;
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10 f. Defendants failed to provide Plaintiff with a safe gangway;
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12 g. Defendants failed to warn Plaintiff of known safety hazards and to
13 provide notice of reasonably foreseeable dangerous conditions and to protect
14 Plaintiff from the unsafe hazards presented by maritime travel, dangerous
15 conditions, and seas.

16 24. The negligent acts and omissions of Defendants both directly and proximately
17 caused Plaintiff's serious injuries. The full extent of these injuries is not fully known at this time.
18 Plaintiff prays leave to amend this complaint when the full extent of injuries and disabilities is
19 ascertained.

20 25. At all times material, Plaintiff was acting with due care for his own safety.

21 **DAMAGES**

22 26. As a direct and proximate result of Defendants' negligence, Plaintiff suffered
23 serious permanent bodily injuries, including but not limited to injury to his head and right
24 quadricep muscles. Plaintiff's injuries resulted in pecuniary and other compensable losses,
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1 including significant past and future reasonable and necessary medical and health care
2 expenses. These include, but are in no way limited to, medical and physical therapy charges
3 and co-pays, prescription and health care aid fees and costs, and other past and future health
4 care fees, charges, and co-pays to be determined at the time of trial.
5

6 27. As a direct and proximate result of Defendants' negligence, Plaintiff incurred
7 past and future out-of-pocket expenses in connection with his reasonable and necessary
8 medical treatment including, but in no way limited to, transportation to obtain health care, and
9 for household services, assistance, and other out-of-pocket costs in amounts to be proven at the
10 time of trial.
11

12 28. As a direct and proximate result of Defendants' negligence, Plaintiff
13 experienced physical and emotional injuries, including but in no way limited to, permanent
14 physical impairment, disfigurement, pain, suffering, disability, limitations and loss of
15 enjoyment of life in the past, and Plaintiff will with reasonable certainty continue to experience
16 such injuries and general damages in the future.
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18 JURY DEMAND

19 29. Plaintiff demands a trial by jury.
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21 PRAYER FOR RELIEF

22 WHEREFORE, Plaintiff requests that the Court enter judgment against Defendants,
23 jointly and severally, as follows:
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- a. For money judgment in such an amount that will fully and fairly compensate Plaintiff for his injuries, including general damages, special damages, and all other damages to be proven at trial;
- b. For all expenses of health care providers, past, present and future;
- c. For attorney fees, taxable costs and disbursements;
- d. For prejudgment interest, and
- e. For post-judgment interest and other relief allowed by the Court.

DATED this April 9, 2021,

MOURE LAW, pllc

By /sCharles Moure
Charles P. Moure, WSBA #23701
Attorney for Plaintiff